

**IN RE: TEXAS DEPARTMENT OF  
FAMILY AND PROTECTIVE  
SERVICES LITIGATION**

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**IN THE CHILD PROTECTION COURT  
OF THE RIO GRANDE VALLEY WEST  
HIDALGO COUNTY, TEXAS**

**STANDING ORDER**

On this day and in considering the best interest of the child or children, the rights of the parent or parents whose lives are affected, the publicly-funded nature of this special statutory litigation, and the need for the effective and efficient administration of justice, among other things, the Court *sua sponte* enters the following orders applicable to cases before the Child Protection Court of The Rio Grande Valley West (“The Court”).

**I.**

**VERIFICATION OF CHILDRENS LEGAL NAMES**

Considering the number of requests for Judgements *Nunc Pro Tunc* and Corrected Final Orders, the Court **FINDS** that the proper identification of children who are the subjects in suits brought by the DEPARTMENT pursuant CHAPTER 262 OF THE TEXAS FAMILY CODE is crucial in the proper administration of justice.

The Court **FINDS** that the proper identification of children by the DEPARTMENT through a request for VERIFICATION OF BIRTH and/or BIRTH CERTIFICATE from the Vital Statistics Section of Texas Health and Human Services, or the County, is not unduly burdensome, and that the best interests of the children outweighs any complaint or concern regarding the cost and/or time incurred.

1. **IT IS ORDERED** that the DEPARTMENT shall file with the Court, on or before the Status Hearing, the VERIFICATION OF BIRTH and/or BIRTH CERTIFICATE for each child who is the subject of a suit. For case in which a Status Hearing has already been held, the DEPARTMENT shall file the VERIFICATION OF BIRTH and/or

BIRTH CERTIFICATE for each child who is the subject of a suit no later than Forty-Five (45) days after the signing of this order.

2. The DEPARTMENT shall file their amended Petitions, with any corrections, within thirty (30) days of the filing of a VERIFICATION OF BIRTH and/or BIRTH CERTIFICATE.

## II.

### PLACEMENT OF CHILDREN

In considering the best interest of the child or children whose lives are affected by removal from family, the rights of the parent or parents to have access to their children and to know about their well-being, and the reasonable efforts required of the DEPARTMENT under both State and Federal law to serve children and families, Court **FINDS** that aforementioned interests, rights, and goals are better maintained and accomplished through the local placement of children who are in foster care.

1. **IT IS ORDERED** that ALL CHILDREN who are subjects of a suit brought by the DEPARTMENT pursuant CHAPTER 262 OF THE TEXAS FAMILY CODE, and who are under its temporary or permanent managing conservatorship, shall be placed in the counties of Hidalgo, Cameron, Starr, Willacy (“Rio Grande Valley”).
2. Children who are currently placed outside of the Rio Grande Valley shall not be moved until further orders of the Court.
3. **IT IS ORDERED** that the DEPARTMENT is **HEREBY**, from the date of this order, restricted from placing children under its temporary or permanent

Managing Conservatorship outside the Rio Grande Valley without the prior approval of the Court subject to the following exceptions:

- a. Child(ren) who have been removed pursuant to an *ex parte* emergency order may be placed temporarily in an emergency shelter outside the Rio Grande Valley, if there are no local placements available, until an adversary hearing is held.
  - b. Child(ren) who have an extraordinarily high level of medical needs and/or children who have behavioral level of care “Specialized”, “Intense”, or higher, as defined under RULES 700.2341 & 700.2361 of the TEXAS ADMINISTRATIVE CODE, may be placed outside of counties of the Rio Grande Valley, upon notice filed with the Court and copied to all counsel of record. No prior Court approval is necessary.
4. NO CHILD SHALL BE PLACED IN A HOSPITAL, PSYCHIATRIC WARD, OR BEHAVIORAL CENTER WITHOUT AN ORDER FROM A PHYSICIAN.
  5. NO CHILD SHALL BE PLACED OUTSIDE THE STATE OF TEXAS WITHOUT A HEARING AND PRIOR COURT APPROVAL.

### **III.**

#### **SUBMISSION OF HEARING ORDERS**

Having considered the type and number of open child abuse and neglect cases, reviewing orders that are pending submission to the Court for signature, the date those orders were rendered, the various requirements for the DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES (“DEPARTMENT”) to the satisfy the Federal mandates for foster care

reimbursement, and the needs of the families and children for clarity as to this Court's findings and orders, the Court **FINDS** that good cause exists for the entry of this Order.

1. **IT IS ORDERED** that the DEPARTMENT shall submit hearing orders and/or any orders for which relief has been sought, regardless of whether it has been granted or denied, no later than thirty (30) calendar days after the order is rendered by this Court.
2. If an order is rendered pursuant to a motion for relief by a party other than the DEPARTMENT, the Movant shall submit any required hearing orders and/or any orders for which relief has been sought, regardless of whether it has been granted or denied, no later than thirty (30) calendar days after the order is rendered by this Court.
3. **IT IS ORDERED** that all outstanding orders older than thirty (30) calendar days from the entry of this order shall be submitted to the Court no later than April 3, 2023, at 5:00 p.m. Should the DEPARTMENT or Movant fail to submit the outstanding orders, the Court may set a Show Cause hearing at which the party must show cause for failing to submit the orders timely. Failure to cure the defect by the time of Show Cause Hearing may result in the imposition of sanctions, including dismissal or the denial of the relief granted.

#### IV.

#### **SUBMISSION OF VOUCHERS BY COURT APPOINTED COUNSEL**

The Court **FINDS** that Effective September 1, 2016, SECTION 36.004 OF THE TEXAS GOVERNMENT CODE requires District Clerk's Offices to report monthly court appointments and attorney's fees to the Office of Court Administration and to post a copy of that report in the courthouse.

The Court **FINDS** that Effective September 1, 2019, SECTION 71.0355 OF THE TEXAS GOVERNMENT CODE requires County Auditors to report the total expenditures for court appointed counsel on child protection cases in each court. The reports are broken down by appointment type into the following categories: Custodial Parents, Non-Custodial Parents, Alleged Fathers, Unknown Fathers, and Children, who are in either the Temporary Managing Conservatorship or Permanent Managing Conservatorship stages, in Court Ordered Services Cases, on *De Novo* review, on Adult Appeal, and/or on Child(ren) Appeal.

In addition, the Court **FINDS** the timely submission of vouchers assists the county in requests from the state for reimbursement and eases budgetary planning which becomes difficult when requests for payment are delayed long after hearings are held or submitted in mass after lengthy periods of time.

1. **IT IS ORDERED** that Court Appointed Counsel shall submit all future vouchers requesting payment for services rendered, in and out of court, no later than sixty (60) days after that hearing for which the services were rendered by e-file.
2. **IT IS ORDERED** that all attorney vouchers submitted requesting payment for services rendered, older than sixty (60) days from the last hearing held, be submitted by e-file to the Court no later than April 3, 2023, at 5:00 p.m.

3. **IT IS ORDERED** that all vouchers submitted for payment by appointed counsel conform with the above categorizations in the Court's findings and with the documentation requirements of the County Auditor.
4. The untimely submission of attorney vouchers pending request for payment either within the sixty (60) days after a hearing, or older vouchers due by April 3, 2023, can result in the denial of payment and/or suspension from the appointment wheel.

V.

**AUTHORIZATION FOR ELECTIVE MEDICAL AND DENTAL  
PROCEDURES REQUIRING GENERAL ANESTHESIA**

Pursuant to Texas Family Code Section 266.004, **IT IS ORDERED** that the DEPARTMENT, or its designee, is authorized to consent to medical and dental care for a child in foster care, except as provided by Section 266.010.

**IT IS ORDERED** that all elective medical and dental procedures necessitating general anesthesia shall require notice and consent to any legal or adjudicated parent whose rights have not been terminated and is subject to the jurisdiction of the Court, the Attorney *Ad Litem* for the child(ren), and the Guardian *Ad Litem* for the Child(ren). DEPARTMENT shall provide notice of no less than five (5) business days of the elective medical or dental procedure requiring general anesthesia to any legal or adjudicated parent whose rights have not been terminated and is subject to the jurisdiction of the Court, the Attorney *Ad Litem* for the child(ren), and the Guardian *Ad Litem* for the Child(ren). The notice shall include documentation from the treating physician demonstrating the medical necessity of the procedure. If a parent, Attorney *Ad Litem* for the child(ren), and Guardian *Ad Litem* for the child(ren) do not respond to the DEPARTMENT's request for consent after three (3) business days, the request

shall be deemed as approved. **No Court approval is necessary if there is an agreement between the DEPARTMENT, the parent, attorney *Ad Litem* for the child(ren), and guardian *Ad Litem* for the child(ren).**

If a parent, attorney *Ad Litem* for the child(ren), or guardian *Ad Litem* for the child(ren) disapproves of the procedure, the DEPARTMENT shall file a Motion for Special Hearing on the matter which shall be set within two (2) business days. The elective medical or dental procedure shall not go forward until a hearing is held.

Pursuant to Texas Family Code Section 266.009, Consent or court authorization for the medical care of a foster child otherwise required by this chapter **is not required in an emergency** during which it is immediately necessary to provide medical care to the foster child to prevent the imminent probability of death or substantial bodily harm to the child or others, including circumstances in which:

- (1) the child is overtly or continually threatening or attempting to commit suicide or cause serious bodily harm to the child or others; or
- (2) the child is exhibiting the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in placing the child's health in serious jeopardy, serious impairment of bodily functions, or serious dysfunction of any bodily organ or part.

In the case of an emergency, the DEPARTMENT shall still provide the required subsequent notifications pursuant to Texas Family Code Section 264.018.

VI.

**AUTHORIZATION FOR TRAVEL**

**IT IS ORDERED** the DEPARTMENT, or a caregiver may, without the consent of the Court, provide routine transportation within the State of Texas for a child in DFPS conservatorship, including transportation for:

- Medical, therapeutic, or dental care appointments
- Educational activities and appointments
- Social activities and appointments
- Sibling or family visits

**IT IS ORDERED**, that a child for whom the DEPARTMENT has been appointed managing conservator and who has been placed in foster care may travel outside of the State of Texas only if it has obtained the specific consent of any legal or adjudicated parent whose rights have not been terminated and is subject to the jurisdiction of the Court, the Attorney *Ad Litem* for the child(ren), and the Guardian *Ad Litem* for the Child(ren).

**IT IS ORDERED** that DEPARTMENT shall provide notice of no less than five (5) days of the child's intent to travel out -of-state to any legal or adjudicated parent whose rights have not been terminated and is subject to the jurisdiction of the Court, the Attorney *Ad Litem* for the child(ren), and the Guardian *Ad Litem* for the Child(ren). The notice shall include the reasons for the travel and the trip itinerary. If a parent, Attorney *Ad Litem* for the child(ren), and Guardian *Ad Litem* for the child(ren) does not respond to the DEPARTMENT's request after three (3) business days, the request shall be deemed as approved. **No Court approval is necessary if there is an agreement between the DEPARTMENT, the parent, attorney *Ad Litem* for the child(ren), and guardian *Ad Litem* for the child(ren).**



If a parent, attorney *Ad Litem* for the child(ren), or guardian *Ad Litem* for the child(ren) disapproves of the travel, the DEPARTMENT, or the attorney *Ad Litem* for the child(ren) may file a Motion for Special Hearing. Requests that do not conform with the above timeframes will be denied.

**IT IS ORDERED**, pursuant to Texas Family Code Sec. 264.122 that a child for whom the DEPARTMENT has been appointed managing conservator and who has been placed in foster care may travel outside of the United States **ONLY** if the court has rendered an order granting approval for the child to travel outside of the United States.

## VII.

### **IN-PERSON AND REMOTE HEARINGS**

Having considered the opportunity to hold hearings electronically by virtual means, the convenience of participants to participate, and the practice's increased access to justice, **IT IS ORDERED** that parties and witnesses shall be allowed to participate as such, subject to Texas Rules of Civil Procedure Rule 21.

**THE FOLLOWING TYPES OF HEARINGS SHALL BE CONDUCTED IN-PERSON ONLY:** Adversary Hearings, contested final hearings in which the presentation of evidence and testimony is required, and any contested hearing in which the presentation of evidence and testimony is necessary.

Appointed counsel who fail to appear an in-person hearing may be released, substituted with other counsel, and suspended from the wheel for thirty (30) days. Retained counsel who fail to appear for an in-person hearing will need to show cause as to why they were not present and may be subject to sanction for the attorney's fees incurred by the County in postponing the

hearing.

Parties wishing to appear or present witness testimony electronically for an in-person hearing must request leave of Court by way of written motion filed at least three (3) business days prior to the hearing and an order granting or denying the request. Any objection should be filed no later than two (2) business days prior to the hearing. Any contested request for an electronic appearance shall be handled by submission with a ruling by written order.

Attorneys who will be offering exhibits during an electronic hearing shall have those documents, photos, audio files, or videos available in a format that allow for immediate tender to the Court via chat or email. Failure to have exhibits in a format that is accessible by the Court and the parties may be excluded.

All other hearings shall be conducted in a hybrid format allowing parties and attorneys to participate in-person or electronically. **PARTIES THAT HAVE OUTSTANDING WARRANTS OR A CAPIAS FOR ARREST ARE NOT AUTHORIZED TO APPEAR BY ELECTRONICALLY OR BY PHONE.**

**IT IS ORDERED** that all following information shall be included in all Notices of Hearing or Orders Setting Hearing:

Child Protection Court of the Rio Grande Valley West  
100 N. Closner Blvd  
Edinburg, Texas 78539  
Telephone (956) 318-2671

Zoom ID for Electronic Appearances - <https://app.zconnect.io/r/XBLBIK>  
Zoom ID and Phone Number for Telephonic Appearances – Please Call 956-318-2671 for current dial-in information.

## VIII.

### CHILD ATTENDANCE AT HEARINGS

Pursuant to Texas Family Code Section 263.302, and as recommended as a best practice by both the National Council of Juvenile and Family Court Judges, as well as the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families, **IT IS HEREBY ORDERED** that ALL child(ren), regardless of age, shall attend each permanency hearing, unless the court specifically excuses their attendance. A child(ren) shall be excused for the following reasons without the necessity of court approval:

Illness

State Standardized Testing (STAAR Exams)

Class exams

Attendance of a school trip, event, or function

Medical Appointments

**IT IS FURTHER ORDERED** that all child(ren) over four (4) years of age shall have the option of attending ANY hearing, including Adversary Hearings, Status Hearings, and Trial on the Merits.

**A CHILD(REN) MAY APPEAR FOR A HEARING EITHER ELECTRONICALLY OR IN-PERSON. HOWEVER, A CHILD(REN) SHALL APPEAR IN-PERSON FOR ANY SPECIFIC HEARING DESIGNATED BY THE COURT AS IN-PERSON ONLY.**

## IX.

### **REQUESTS AND BENCH WARRANTS FOR PARENTS IN CUSTODY**

In consideration of the duties imposed upon an Attorney *Ad Litem* representing parents pursuant to Texas Family Code Sec. 107.0131 and to ensure competent representation at hearings, pretrial matters, and the trial on the merits, **IT IS ORDERED** that an Attorney *Ad Litem* representing an incarcerated parent that is in the custody of the County of Hidalgo and who requires their attendance at a hearing shall submit a request to the Court in accordance with the following:

1. The Attorney *Ad Litem* shall email the Court attached form marked as “Exhibit 1” to [childprotectioncourt@co.hidalgo.tx.us](mailto:childprotectioncourt@co.hidalgo.tx.us)
2. The form shall contain the inmates name, date of birth, and/or SO Number.
3. If the inmate is housed in the Hidalgo County Detention Center, the Attorney *Ad Litem* representing the incarcerated parent email the request no later than 10:00 a.m. on the business day prior to their scheduled hearing.
4. If the inmate is housed outside of the Hidalgo County Detention Center due to overflow, the Attorney *Ad Litem* representing the incarcerated parent email the request at least two business days prior to their hearing.
5. Do not file a request for a county inmate more than five (5) business days prior to a hearing.

If counsel does not submit the request timely, the inmate/client will not be brought to the courtroom and the hearing will go forward without their presence.

Attorney *Ad Litem* representing parents who are in state or federal custody, may file the appropriate motion and bench warrant requesting their appearance. **IT IS ORDERED** that any

Motion and Bench Warrant shall be filed least three (3) weeks prior to the trial setting and Attorney *Ad Litem* representing the incarcerated parent shall notify the Court of the filing by email to childprotectioncourt@co.hidalgo.tx.us as soon as possible.

**THIS STANDING ORDER IS EFFECTIVE IMMEDIATELY AND SUPERCEDES ANY PRIOR STANDING ORDERS ISSUED BY THE CHILD PROTECTION COURT OF THE RIO GRANDE VALLEY WEST.**

SIGNED on this First day of February 2023.



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HON. CARLOS VILLALON, JR.  
ASSOCIATE JUDGE PRESIDING



HON. CARLOS VILLALON, JR.  
THE CHILD PROTECTION COURT OF THE RIO GRANDE VALLEY  
WEST FIFTH ADMINISTRATIVE JUDICIAL REGION  
100 N. CLOSNER BLVD, JUDICIAL  
ANNEX EDINBURG, TEXAS 78539  
(956) 318-2671

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## INMATE REQUEST FORM

I, undersigned counsel, am requesting the in-person appearance of the inmate below in the  
Child Protection Court for a hearing in Cause Number: \_\_\_\_\_ scheduled  
on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_.

INMATE NAME: \_\_\_\_\_

DOB: \_\_\_\_\_

SO NUMBER: \_\_\_\_\_

\_\_\_\_\_  
COUNSEL FOR RESPONDENT

EXHIBIT